

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**HARVEY DALE BENNETT**

**PLAINTIFF**

**v.**

**No. 4:04CV257-P-A**

**CHIEF LESTER CARTER, ET AL.**

**DEFENDANTS**

**ORDER OF DISMISSAL**

The court takes up, *sua sponte*, the dismissal of this cause. On October 7, 2005, the court entered an order requiring the plaintiff to witness and exhibit lists to the court by January 3, 2006. The plaintiff acknowledged receipt of this order on October 24, 2005. The order cautioned the plaintiff that failure to provide these lists would result in the dismissal of this case. Despite this warning, the plaintiff has failed to comply with the court's order, and the deadline for compliance passed on January 3, 2006. This case is therefore **DISMISSED** without prejudice for failure to prosecute and for failure to comply with an order of the court under FED. R. Civ. P. 41(b).

**SO ORDERED**, this the 16<sup>th</sup> day of June, 2006.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE